

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-619

June 29, 1999

PUBLIC UTILITIES COMMISSION
Renewable Resource Portfolio
Requirement (Chapter 311)

ORDER FINALLY
ADOPTING RULE AND
STATEMENT OF
POLICY BASIS

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

In this Order, we finally adopt a rule establishing the requirements and standards governing the implementation of Maine's eligible resource portfolio requirement.

On December 2, 1998, the Commission provisionally adopted a rule governing the implementation of a renewable resource portfolio requirement. Because the rule was denominated as a "major substantive" rule by 35-A M.R.S.A. § 3210(3), it required legislative approval under 5 M.R.S.A. §§ 8071-8074. In compliance with those provisions, the Commission submitted the rule to the Legislature for approval. On May 24, 1999, Governor King signed into law Resolves 1999, ch. 47, which authorizes final adoption of the portfolio requirement rule.

Chapter 47, which became effective on May 24, 1999, authorized the adoption of the rule without requiring any changes to the provisional rule.¹ We, thus, adopt as final the provisional rule without change.

However, Public Law 1999, ch. 398, Part I was also enacted which requires that the following changes be made to the language of the provisional rule:

1. Change the renewable resources portfolio requirement to an eligible resources portfolio requirement;
2. Change the definition of "renewable resource" to conform with the definition of that term provided in the Maine Revised Statutes, Title 35-A, section 3210, subsection 2, paragraph C;
3. Add a definition of "efficient resource" that conforms with the definition of that term provided in Title 35-A, section 3210, subsection 2, paragraph A; and
4. Insert a provision that if a competitive electricity provider represents to a customer that the provider is selling to the customer a portfolio of supply

¹ Section 8072(8) of Title 5 requires agencies to finally adopt major substantive rules within 60 days of the effective date of the legislation approving the rule.

sources that includes more than 30% eligible resources, the resources necessary to supply more than 30% of that customer's load may not be applied to meet the aggregate 30% portfolio requirement.

Chapter 398, however, will not take effect until September 18, 1999. After that date, we will issue a supplemental order finally adopting rule that makes the changes required by Chapter 398.

Accordingly, we

O R D E R

1. That the attached Chapter 311, Renewable Resource Portfolio Requirements is hereby finally adopted; and

2. That the Administrative Director shall file the finally adopted rule and related materials with the Secretary of State; and

3. That the Administrative Director shall send copies of this Order and attached rule to:

- A. All electric utilities in the State;
- B. All persons who have filed with the Commission within the past year a written request for notices of rulemakings;
- C. All persons on the Commission's list of persons who wish to receive notice of all electric restructuring proceedings;
- D. All persons who have filed comments in Docket No. 98-619; and
- E. The Executive Director of the Legislative Council (20 copies).

Dated at Augusta, Maine, this 29th day of June, 1999.

BY ORDER OF THE COMMISSION

Raymond J. Robichaud
Assistant Administrative Director

COMMISSIONERS VOTING FOR: Nugent
 Diamond

COMMISSIONER ABSENT: Welch

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.